

**REMARKS**

In the non-final Office Action, the Examiner rejects claims 1-7, 11, 12, 14-16, 20-23, and 25-28 under 35 U.S.C. § 103(a) as unpatentable over Gutowski et al. (U.S. Patent Publication No. 2003/0054834) in view of Agre et al. (U.S. Patent No. 6,073,013) and Richton (U.S. Patent No. 6,650,902); and rejects claims 8-10, 13, 17-19, and 24 under 35 U.S.C. § 103(a) as unpatentable over Gutowski et al. in view of Agre et al. and Richton and further in view of Copley (U.S. Patent No. 6,639,516). Applicant respectfully traverses the rejections.

By the present Amendment, Applicant amends claims 1-5, 12, 14, 15, 20, 22, and 25 to improve form. No new matter has been added by way of the present Amendment. Support for the claims can be found throughout the originally filed application, for example, at p. 8, paragraph 30; pp. 10 and 11, paragraph 37; and pp. 12 and 13, paragraph 40. Claims 1-28 remain pending.

Claims 1-7, 11, 12, 14-16, 20-23, and 25-28 stand rejected under 35 U.S.C. § 103(a) as allegedly unpatentable over Gutowski et al. in view of Agre et al. and Richton. Applicant respectfully traverses the rejection.

Amended independent claim 1 is directed to a method of reporting a location, comprising determining whether a location finding device is within a first distance of a first location; and when the location finding device is not within the first distance of the first location: determining whether a wireless access point is available, and transmitting information indicative of a location of the location finding device to a server via the wireless access point, when the wireless access point is determined to be available; determining whether a preferred provider is located within a predefined distance of the

location finding device; and when the preferred provider is determined to be located within the predefined distance of the location finding device, conveying information associated with the location finding device to the preferred provider. Gutowski et al., Agre et al., and Richton, whether taken alone or in any reasonable combination, do not disclose or suggest this combination of features.

For example, the Examiner admits that Gutowski et al. does not disclose determining whether a preferred provider is located within a predefined distance of the location finding device, and when the preferred provider is determined to be located within the predefined distance of the location finding device, conveying information associated with the location finding device to the preferred provider. (Office Action, p. 4). However, the Examiner relies on Fig. 3a, and steps 106, 108, 110, 118, 120, and 124 of Agre et al. for allegedly disclosing this feature. (Office Action, p. 4). Applicant respectfully disagrees with the Examiner's interpretation of Agre et al.

For example, Agre et al. discloses that a set of local service providers 16 “provide an interconnection to local land line telephone networks such as a local Public Switched Telephone Network (PSTN) or to other communication networks operated by the service provider.” (col. 1, lines 28-32) (emphasis added). At col. 6, lines 55-58, Agre et al. discloses that “[a]t step 106, the gateway receives the access channel signals and attempts to determine the location of the subscriber unit to thereby determine what service providers are available for handling connections from the subscriber unit.” At col. 7, lines 24-27, Agre et al. discloses that “[a]t step 108, the gateway determines which service providers are available for handling the telephone connection initiated by the subscriber unit based on the location of the subscriber unit.” Agre et al. further discloses,

“[o]nce the [service provider] selection is established, the subscriber unit and gateway proceed with processing the telephone connection [step 116].” (col. 8, lines 61-63) (emphasis added). These sections of Agre et al. merely disclose service providers 16 that handle telephone connections. Nowhere in these sections or elsewhere does Agre et al. disclose or suggest determining whether a preferred provider is located within a predefined distance of the location finding device, as required by claim 1.

In contrast to service provider 16 of Agre et al., the present application discloses that “database server 110 may determine whether a preferred provider is close to the location of the reporting location finder 102 (for example within 0.5 miles).” (p. 12, paragraph 39) (emphasis added). The present application further discloses:

Database server 110, may also send information to the one or more preferred providers regarding information, which database server 110 may retrieve from database 310, associated with reporting location provider 102. The information may include, for example, a description of an object associated with location finder 102 (for example, name of a person, physical description of the person, age, known disabilities). Thus, a nearby preferred provider may begin searching immediately for the object associated with reporting location finder 102.

(pp. 12 and 13, paragraph 40) (emphasis added). Accordingly, Agre et al.’s service provider 16 in no way relates to the preferred provider recited in claim 1.

For at least the foregoing reasons, Applicant respectfully submits that claim 1 is patentable over Gutowski et al., Agre et al., and Richton, whether taken alone or in any reasonable combination. Accordingly, Applicant respectfully requests the reconsideration and withdrawal of the rejection of claim 1 based on Gutowski et al., Agre et al., and Richton.

Claims 2-7 depend from claim 1 and thus are patentable over Gutowski et al., Agre et al., and Richton, whether taken alone or in any reasonable combination, for at

least the reasons given above with respect to claim 1. Moreover, these claims recite additional features not disclosed or suggested by Gutowski et al., Agre et al., and Richton.

For example, claim 4 recites that the conveying information associated with the location finding device comprises contacting the preferred provider via one of a voice telephone call, a facsimile message, or an e-mail message. At the outset, Applicant submits that since Gutowski et al., Agre et al., and Richton do not disclose or suggest the preferred provider, Gutowski et al., Agre et al., and Richton, whether taken alone or in any reasonable combination, cannot conceivably disclose or suggest the above features of claim 4.

Furthermore, with respect to claim 4, the Examiner admits that Gutowski et al. does not disclose the conveying information associated with the location finding device comprises contacting the preferred provider via one of a voice telephone call, a facsimile message, or an e-mail message. (Office Action, p. 5). Nevertheless, the Examiner relies on Fig. 3a, steps 106 and 108, and col. 7, line 24-col. 8, line 15 of Agre et al., which the Examiner asserts discloses “determining which service providers are available to support the mobile,” as allegedly disclosing this feature. (id.) The Examiner assumes that the “‘determination step’ either requires real-time negotiations and/or a previously predetermined negotiation.” (id.) The Examiner concludes that it would have been obvious to modify Gutowski et al., such that contacting the preferred provider via one of a voice telephone call, a facsimile message, or an e-mail message, “to provide means for setting up the new service provider link.” (id.) Applicant respectfully disagrees with the Examiner’s interpretation of Agre et al.

At col. 7, line 24-col. 8, line 5, Agre et al. discloses:

At step 108, the gateway determines which service providers are available for handling the telephone connection initiated by the subscriber unit based on the location of the subscriber unit. In this regard, the gateway accesses a service provider location table which represents the range of locations that each service provider handled by the gateway can cover. The range of locations may be represented, for example, as ranges of latitudes and longitudes. As noted, the range of locations may be affected by contractual or other legal constraints or by physical operating constraints. In any case, the gateway compares the location of the subscriber unit with the service provider coverage information of the database and identifies those service providers that are available.

The determination of the availability of a service provider may be affected by the confidence factor of the location determination. For example, if the location of the subscriber unit is found to be near a border or other dividing line between two service provider coverage areas but confidence level is low such that the system cannot be certain which coverage area the subscriber unit is in, it may be necessary, perhaps on contractual grounds, to declare that neither service provider is available and that the telephone connection therefore cannot be completed. In other implementations, any service provider that has a coverage area that the subscriber unit might be in is identified as being available. Thus, if the subscriber unit is determined to be in Germany but the confidence level is so low that the subscriber unit may actually be in France instead, the gateway designates all appropriate French or German service providers as being available. Other variations and implementations are possible as well.

In this manner the gateway identifies a list of available service providers, if any. If the subscriber unit transmits a preferred service provider ID, the gateway determines if the preferred service provider is among the available service providers and eliminates all others. If the subscriber unit transmits a list of service providers that are unacceptable, the gateway eliminates any from the list of available service providers for that subscriber unit. If the subscriber unit transmits a list of acceptable service providers ordered by preference, the gateway picks the most preferred. If the subscriber unit does not transmit a preferred service provider, but instead transmits the last registered service provider as identified by the set registration bit, and that provider is on the list, the gateway eliminates all other entries. Ultimately, this process yields a list of available service providers that either has no entries, one entry or multiple entries.

Next, the gateway determines at step 110 whether it needs to negotiate with the subscriber unit to allow selection of a single service

provider. If either no service providers or only a single service provider remains on the list of available service providers, then no negotiation is needed. If none remain, a signal is sent to the subscriber unit indicating that connection setup cannot proceed. If more than one service provider remains on the list, then the gateway negotiates with the subscriber unit to allow the subscriber unit to select one the available service providers.

(emphasis added). This section of Agre et al. discloses that gateway 10 determines which service providers 16 are available based on the location of subscriber unit 12 by accessing a service provider location table which represents the range of locations that each service provider 16 handled by gateway 10 can cover (step 108). Subscriber unit 12 may “transmit” a preferred service provider ID to gateway 10, and gateway 10 may determine if the preferred service provider is among the available service providers 16 identified by the lookup. At col. 6, line 30-35, Agre et al. discloses that subscriber unit 12 “transmits a preferred service\_provider\_ID, if available, and a registration bit ... [by accessing] a preferred service provider table or other data base (not shown) within the subscriber unit which identifies the preferred service provider.” Contrary to the Examiner’s assertion, therefore, Agre et al.’s determination as to which service providers 16 are available does not “require real-time negotiations and/or a previously predetermined negotiation.” Accordingly, Agre et al. does not disclose the conveying information associated with the location finding device comprises contacting the preferred provider via one of a voice telephone call, a facsimile message, or an e-mail message, as required in claim 4.

For at least these additional reasons, Applicant respectfully submits that claim 4 is patentable over Gutowski et al., Agre et al., and Richton.

Amended independent claim 12 is directed to a location finding device comprising a wireless transceiver configured to communicate with a wireless access device; and a global positioning system receiver configured to receive global positioning

system satellite signals, wherein the location finding device is configured to determine a current location of the location finding device using the received global positioning system satellite signals and report the current location to a server via the wireless transceiver access device when an absence of signals periodically transmitted from a device is detected by the location finding device; and the location finding device is configured to receive an identifier from the wireless access device indicative of a preferred access provider. Gutowski et al., Agre et al., and Richton, whether taken alone or in any reasonable combination, do not disclose or suggest this combination of features.

For example, Gutowski et al., Agre et al., and Richton, whether taken alone or in any reasonable combination, do not disclose or suggest the location finding device is configured to receive an identifier from the wireless access device indicative of a preferred access provider. Col. 6, lines 30-32 and col. 7, line 57 and 58 of Agre et al., as reproduced above, disclose that subscriber unit 12 may transmit a preferred service provider ID to gateway 10. Nowhere and in these sections or elsewhere does Agre et al. disclose or suggest the location finding device is configured to receive an identifier from the wireless access device indicative of a preferred access provider, as required in claim 12. Gutowski et al. and Richton do not cure the deficiencies of Agre et al..

For at least the foregoing reasons, Applicant respectfully submits that claim 12 is patentable over Gutowski et al., Agre et al., and Richton, whether taken alone or in any reasonable combination. Accordingly, Applicant respectfully requests the reconsideration and withdrawal of the rejection of claim 12 based on Gutowski et al., Agre et al., and Richton.

Amended independent claim 14 recites features similar to (yet, possibly of different scope than) features described above with respect to claim 12. Therefore, claim 14 is patentable over Gutowski et al., Agre et al., and Richton for at least reasons similar to reasons set forth above with respect to claim 12. Accordingly, Applicant respectfully requests of the reconsideration and withdrawal of the rejection of claim 14 based on Gutowski et al., Agre et al., and Richton.

Claims 15 and 16 depend from claim 14, and thus are patentable over Gutowski et al., Agre et al., and Richton, whether taken alone or in any reasonable combination, for at least the reasons given above with respect to claim 14.

Amended independent claim 20 is directed to a server for receiving location information from a locator device, the server comprising a database configured to store information associated with a plurality of users, the information including contact information and at least one of a name, a physical description, an age, or a disability associated with each of the users, and a processing device configured to receive a signal transmitted from the locator device associated with a first one of the users, and identify contact information associated with the first user stored in the database. Gutowski et al., Agre et al., and Richton, whether taken alone or in any reasonable combination, do not disclose or suggest this combination of features.

For example, Gutowski et al., Agre et al., and Richton, whether taken alone or in any reasonable combination, do not disclose or suggest a database configured to store information associated with a plurality of users, the information including contact information and at least one of a name, a physical description, an age, or a disability associated with each of the users.



For at least the foregoing reasons, Applicant respectfully submits that claim 20 is patentable over Gutowski et al., Agre et al., and Richton, whether taken alone or in any reasonable combination. Accordingly, Applicant respectfully requests the reconsideration and withdrawal of the rejection of claim 20 based on Gutowski et al., Agre et al., and Richton.

Claims 21-23 and 25-28 depend from claim 20, and thus are patentable over Gutowski et al., Agre et al., and Richton, whether taken alone or in any reasonable combination, for at least the reasons given above with respect to claim 20.

Claims 8-10, 13, 17-19, and 24 stand rejected under 35 U.S.C. § 103(a) as allegedly unpatentable over Gutowski et al., Agre et al., Richton, and further in view of Copley. Applicant respectfully traverses the rejection.

Claims 8-10 and 13 depend from claim 1 and thus are patentable over Gutowski et al., Agre et al., Richton and Copley, whether taken alone or in any reasonable combination, for at least the reasons given above with respect to claim 1. Copley does not cure the deficiencies of Gutowski et al., Agre et al., and Richton set forth above with respect to claim 1.

Claims 17-19 depend from claim 14 and thus are patentable over Gutowski et al., Agre et al., Richton and Copley, whether taken alone or in any reasonable combination, for at least the reasons given above with respect to claim 14. Copley does not cure the deficiencies of Gutowski et al., Agre et al., and Richton set forth above with respect to claim 14.

Claim 24 depends from claim 20 and thus is patentable over Gutowski et al., Agre et al., Richton and Copley, whether taken alone or in any reasonable combination, for at

least the reasons given above with respect to claim 20. Copley does not cure the deficiencies of Gutowski et al., Agre et al., and Richton set forth above with respect to claim 20.


Accordingly, Applicant respectfully requests of the reconsideration and withdrawal of the rejection of claims 8-10, 13, 17-19, and 24 based on Gutowski et al., Agre et al., Richton, and Copley.

In view of the foregoing amendments and remarks, Applicant respectfully requests the Examiner's reconsideration of this application, and the timely allowance of the pending claims.

To the extent necessary, a petition for an extension of time under 37 C.F.R. § 1.136 is hereby made. Please charge any shortage in fees due in connection with the filing of this paper, including extension of time fees, to Deposit Account 13-2491 and please credit any excess fees to such deposit account.

Respectfully submitted,

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